

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/484,159	LEWIS, GARY M.
	Examiner	Art Unit
	Michael N. Opsasnick	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to after final amendment dated 7/28/05.
2.  The allowed claim(s) is/are 1-7, 14-18, 20-23 and 32-37. (Now 1, 3, 4, 5, 6, 2, 7-17, 19-22, 18, resp.)
3.  The following claim(s) ~~1-7, 14-18, 20-23 and 32-37~~ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 8/17/05.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



W. R. YOUNG  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-7,14-18,20-23,32-37 are allowable over the prior art of record.

2. The following is a statement of reasons for the indication of allowable subject matter:

As per the independent claims 1,7,14,20,21,23 and 32, the recited limitations pertaining to the combination of a non-speech (defined as anything but spoken words) detection module, storing the non-speech identifier, and remove header routine detecting the state of the non-speech identifier, is not explicitly taught by the prior art of record.

With respect to the prior art of record, Paradine et al (6049565) teaches an audio communication coding detecting voice activity wherein the information is transmitted using data packets (col. 7 lines 32-58) with headers (Fig. 6); however, Paradine et al (6049565) does not teach the non-speech identifier being stored in the header of the data packet. Sato et al (6078882) teaches a non-speech identifier being stored in the header, but it is a speech related identifier (abstract, Fig. 2, Fig. 3). Neither Paradine et al (6049565) nor Sato et al (6078882), alone or in combination, teach the combination of a non-speech (defined as anything but spoken words) detection module, storing the non-speech identifier, and remove header routine detecting the state of the non-speech identifier. Furthermore, it would not have been obvious to one of ordinary skill in the art of speech processing to modify the teachings of the prior art of record to obtain the recited claim limitations of the independent claims, as noted above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The drawings filed on 1/18/2000 are acceptable subject to correction of the informalities pertaining to handwritten subblocks, text, and labels in the drawings. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The facsimile phone number for this group is (571)272-7629.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571)272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

8/17/05



W. R. YOUNG  
PRIMARY EXAMINER